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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,809	03/05/2002	Cordell R. Ratzlaff	8360.1587-00	2977
826	7590	03/23/2007		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER CHOI, PETER H	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 03/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/087,809

Applicant(s)

RATZLAFF ET AL.

Examiner

Peter Choi

Art Unit

3623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**C. MICHELLE TARAE**  
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant's arguments are unpersuasive.

Applicant argues that the preamble of claim 1 specifically recites a method for designating dates in an interactive travel calendar, which is not taught by Forbes. The Examiner respectfully disagrees. As pointed out by the Applicant, the specification discloses that dates are used to describe events such as trips, programs, and meetings. The Examiner asserts that such events are not inherently measured by days, and that, at its broadest reasonable interpretation, date may be defined by time or day. Furthermore, Forbes teaches an implied date (see Figures 1-6) for events. Also implied by Figures 1-6, is that events occur on specific days (for example, the TALBE event occurs from 8 AM on Friday, September 11 until 430 PM on Friday, September 11).

Applicant also argues that Forbes does not disclose the step of determining the chronological relationship between the first and second date. The Examiner maintains the assertion that when the user inputs the start time of an event, and either a duration or an end time to the event. The chronological relationship between the start and end time of a single event is evident in that one time chronologically occurs first (i.e., the start time) before the second time (i.e., the end time); thus, when the user inputs the start and end time of an event, the chronological relationship has already been determined, resulting in one time being identified as the start time and the other time being identified as the end time.

Applicant argues that Forbes does not teach or suggest modifying the start time or end time based on when the set start time was received in relation to the set end time. Forbes allows users to manipulate a timecell to reflect a schedule change. Forbes allows users to change the start and end times of scheduled events. Placements of the cursor in the left portion of the timebar indicates an intent to change the start time, placement in the right portion of the timebar indicates an intent to change the end time. A plus-minus cursor is used to indicate the timebar can have its start time changed, or a minus-plus cursor to indicate the timebar can have its end time changed [Column 8, lines 43-48 and 51-53]. For example, if an event had been scheduled to start at 9 AM and end at 11 AM, the user could modify the event to start at 10 AM, or end at 10 AM. If the left portion of the timebar is manipulated, then a new start time has been received and set. Similarly, if the right portion of a timebar is manipulated, then a new end time has been received and set. Thus, the Examiner asserts that Forbes allows users to select a time that falls between the start and end times and set a new start or end time (by manipulating the timebar to change the start or end time) depending on when the set start and end times were received.

Applicant argues that Forbes does not disclose that the user may interact with the calendar or otherwise select dates on the calendar. The Examiner respectfully disagrees. Forbes teaches an interactive, visually supportive means of interacting with graphical time represented tasks using a wide variety of display, input and pointing capabilities [Column 3, lines 6-9].

The Applicant argues that claim 12 recites statutory subject matter and includes functional descriptive material. The Examiner respectfully disagrees. The Examiner maintains the assertion that a graphical user interface is a graphical representation of data and is not a statutory class of invention. While a graphical user interface is not statutory, a data processing system and/or computer-readable storage medium having computer-readable instructions stored therein to generate a graphical user interface would be statutory.

  
C. MICHELLE TARAE  
PRIMARY EXAMINER